

105.015

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MARK TURULSKI, SR.

Plaintiff

vs.

AMTRAK

Defendant

CIVIL ACTION

NO. 06-245

JURY TRIAL DEMANDED  
12 JURORS REQUESTED

**RESPONSE OF DEFENDANT AMTRAK TO PLAINTIFF'S MOTION FOR  
MISCELLANEOUS RELIEF FILED BY PLAINTIFF DECEMBER 27, 2006**

Defendant, Amtrak hereby responds to Plaintiff's Motion for Miscellaneous Relief regarding HIPAA authorizations.

Defendant admits that Plaintiff was deposed and signed authorizations for release of information at the time of his deposition.<sup>1</sup> His authorizations were forwarded to an employer and medical provider identified by Plaintiff at the time of the deposition. Defendant's Motion to Compel Discovery pertains to fifteen (15) HIPAA authorizations as outlined in Defendant's November 17, 2006 letter attached hereto. These are not authorizations which have already been signed by the Plaintiff.

The Plaintiff has placed his medical condition in controversy by the initiation of this

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Plaintiff seems to state he is not aware of what a HIPAA authorization is. This was explained at his deposition when he signed the 2 authorizations. In addition, Defendant would be more than happy to further explain and discuss same over the telephone as well as address the various motions filed by both Plaintiff and Defendant in order to avoid seeking Court intervention however Plaintiff has not provided any further contact information such as a phone number to Defense counsel.

lawsuit and therefore, Defendant is entitled to obtain Plaintiff's medical records and employment records. In order to obtain these records, a HIPAA authorization is required by these medical providers. Defendant has absolutely no other opportunity or means to obtain these medical records without plaintiff's executed HIPAA authorizations. Therefore, Defendant hereby requests that the request of Plaintiff to be relieved of executing HIPAA authorizations be denied.

**GALLAGHER & ROWAN, P.C.**

By: /s/Jessica E. Gensler Lippy  
JESSICA E. GENSLER LIPPY, ESQUIRE  
DSB #4426  
PAUL F. X. GALLAGHER, ESQUIRE  
Attorney for Defendant Amtrak  
SILVERSIDE CARR EXECUTIVE CENTER  
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DATE: January 5, 2007

**GALLAGHER & ROWAN, P.C.**

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OUR FILE NO: 105.015

EXTENSION:124

November 17, 2006

Ms. Jaime Gatta  
DOCUMENT REPRODUCTION SERVICES  
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Suite 820  
Philadelphia, PA 19103

**RE: Mark Turulski, Sr. vs AMTRAK  
United States District Court  
for the District of Delaware  
Civil Action No. 06-CV-0245 GMS  
Date of Loss: 3/20/04  
Amtrak File No.: 100293-WJJ**

Dear Ms. Gatta:

Could you please at your earliest convenience advise of the status of obtaining any and all records from the following deponents as they pertain to Mr. Turulski:

1. **William Penn High School (Pupil records)**  
713 East Basin Road  
New Castle, DE 19720  
302-324-5740
2. **Goldey Beacom College (Pupil records)**  
4701 Limestone Road  
Wilmington, DE 19808-8814  
302-998-8814

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3. **James H. Grove High School (Pupil records)**  
1703 School Lane  
Wilmington, DE 19808  
302-994-4079
4. **Delaware Technical and Community College (Pupil records)**  
333 Shipley Street  
Wilmington, DE 19801  
302-571-5300
5. **National Military Records Center (Navy)**  
St. Louis, MO
6. **Sears (Employment records)**  
Price's Corner  
Wilmington, DE 19801  
302-995-9222
7. **Carman Lincoln Mercury (Employment records)**  
3420 Kirkwood Highway  
Wilmington, DE 19808  
302-995-2222
8. **Delaware State Hospital**  
1901 North DuPont Highway  
New Castle, DE 19720  
302-577-4000
9. **Wilmington Veterans Medical Center**  
Doctors Yeng & Elmwood  
Kirkwood Highway  
Wilmington, DE
10. **Howard R. Young Correctional Institution (Gander Hill Prison)**  
1301 East 12<sup>th</sup> Street  
Wilmington, DE 19801  
302-429-7700
11. **Delaware Correctional Center (Smyrna Prison)**  
1181 Paddock Road  
Smyrna, DE 19977  
302-653-9261

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12. **Sussex Correctional Institution**  
(Georgetown Prison)  
PO Box 500  
Georgetown, DE 19947
13. **Lynda Weaver, MD**  
1941 Limestone Road  
Suite 210  
Wilmington, DE 19801  
302-998-0300
14. **Christiana Care Health Services**  
501 West 14<sup>th</sup> Street  
Wilmington, DE 19801  
302-733-1900
15. **St. Francis Hospital**  
7<sup>th</sup> & Clayton Streets  
Wilmington, DE 19805  
302-575-8260

Mr. Turulski is serving as his own counsel (pro se). His telephone number is [REDACTED]. Mr. Turlurski resides at 6 Brookside Drive, Apt. A, Wilmington, DE 19804. His SSN is [REDACTED] and his DOB is 1 [REDACTED]

Do not hesitate to contact me should you have any questions, or require any additional information.

Very truly yours,

Anthony J. Bompadre  
Paralegal to Paul F.X. Gallagher, Esquire

//ajb

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**CERTIFICATE OF SERVICE**

I, Jessica E. Gensler Lippy, as attorney for Defendant in the above captioned matter, herein certify that I caused a true and correct copy of Response of Defendant to Plaintiff's Motion for Miscellaneous Relief Filed by Plaintiff December 27, 2006, to be served upon Plaintiff as listed below on January 5, 2007, via US Mail:

Mark Turulski, Sr.  
P.O. Box 3145  
Wilmington, DE 19804-3145

**GALLAGHER & ROWAN, P.C.**

By: /s/Jessica E. Gensler Lippy  
JESSICA E. GENSLER LIPPY, ESQUIRE  
DSB #4426  
PAUL F. X. GALLAGHER, ESQUIRE  
Attorney for Defendant Amtrak  
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DATE: January 5, 2007